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4 **UNITED STATES DISTRICT COURT**
5 **WESTERN DISTRICT OF WASHINGTON**
6 **AT SEATTLE**

7 ROBERT SMITH, JR.,

8 Petitioner,

9 v.

10 BELINDA STEWART,

11 Respondent.

12 Case No. C07-0166RSL

13 **ORDER REGARDING**
14 **CERTIFICATE OF APPEALABILITY**

15 This matter was transferred from the United States Court of Appeals for the Ninth
16 Circuit for docketing as a notice of appeal. Because petitioner challenges the detention decision
17 of an administrative body (the Indeterminate Sentence Review Board), a certificate of
18 appealability is not necessary. Rosas v. Nielsen, 428 F.3d 1229, 1231-32 (9th Cir. 2005); Order
19 of Ninth Circuit, No. 07-35355 (dated 8/2/07). The Clerk of Court shall process Mr. Smith's
20 appeal accordingly.

21 Dated this 15th day of September, 2009.

22 

23 Robert S. Lasnik

24 United States District Judge

25 **ORDER REGARDING**
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